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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,358	02/26/2004	Lewis C. Vollmar JR.	718076.1	2357

27128 7590 02/12/2008

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EXAMINER	
NGUYEN, DAT	
ART UNIT	PAPER NUMBER
3714	
MAIL DATE	DELIVERY MODE
02/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/708,358	VOLLMAR, LEWIS C.	
	Examiner	Art Unit	
	DAT T. NGUYEN	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6,8-13,17-20,24,26 and 28-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6,8-13,17-20,24,26 and 28-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is responsive to the amendments filed on 11/27/2007 in which applicant amends claims 1, 4, 6, 8-13, 17-20, 24 and 26, cancels claims 5, 7, 14-16, 21-23, 25 and 27, adds new claims 28-42 and responds to claim rejections. Claims 1-4, 6, 8-13, 17-20, 24, 26 and 28-42 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6, 8-13, 17-20, 24 and 28-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeRose (US 6,308,578) in view of Balzano (US 5,565,124) and Cook (US 6,056,674).

The discussion of the prior art of DeRose and Balzano as described in the previous rejection dated 06/08/2007 is incorporated herein.

Regarding claims 1, 13 and 24:

DeRose/Balzano fails to explicitly teach the electrically conductive strips forming at least one electrically independent region and a display that outputs representation of the actually target region associated with each contestant where a hit is scored, a representation of the actual weapon used by one contestant to score a particular hit against the other contestant and the elapsed time when a contestant is first hit.

- Cook teaches the use of a visual score board (figure 18)
- Cook teaches the use of a first item of clothing having multiple (at least one) electronically independent target regions (the helmet gear having multiple target areas, 5:10-25, figure 8)
- Cook teaches the identification of the hit location (Cook, figure 18, 6:25-45).
- The game of Cook is a boxing game and Cook identifies each hit as a punch (the weapon used) in figure 18 on the score board and therefore it can be said that Cook identifies the weapon used.

Much like the prior art, Cook is a device for a boxing competition and is therefore considered analogous art. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to include the features of a visual scoreboard, multiple independent target regions on an article of clothing, identification of hit location and identification of weapon used. One would be motivated to do so because such modifications would enhance the realism of the game as well as increase the enjoyment for spectators and competitors since they are able to receive more in depth information regarding the match.

Regarding the amended claim language of a first receiver for receiving said signal from said first transmitter indicative of when said at least one electronically conductive portion of said second item of clothing electronically connects at least one of said first electronically conductive strips and at least one of said second electronically conductive strips of said first item of clothing, said first receiver being electronically

connected to a first indicating device. The above combination meets the claimed limitation in that both Cook (feature 28) and DeRose (step 212) teach transmitters and receivers for recording hits made. Cook further teaches that the receiver is connected to the first indication device (5:1-6:67, receiver is connected to a computer or scoreboard, or both).

Regarding claim 17, wherein the first electronic display is LED, Cathode ray tube (TV/computer monitor, Cook figure 3 and 18).

Regarding claim 18, wherein said processor is connected to a second transmitter that sends a signal to a second receiver that is connected to a second display (figure 18 of Cook shows a billboard display to be used with the computer system of figure 3, inherently the billboard would require its own transmitter and receiver).

Regarding claim 19, although the prior art does not explicitly state that the second display is one of the light array display, led display, crt display, lcd display or plasma tube display, it would have been a mater of routine to one of ordinary skill in the art given the teachings of the references to include one of such displays in the invention in order to present to observers the score and progression of the fight.

Regarding claim 28, Cook teaches displaying a digital score for each contestant, figures 3 and 18.

Regarding claim 29, Cook teaches the system storing a history of the sequence of hits scored (including time, 6:25-45), however Cook fails to explicitly teach displaying them to a scoreboard. Cook teaches displaying the last hit (figure 18). However, displaying a sequence of hits or a history of the fight is notoriously well known in the art

to display a sequence hits scored along with the time. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to display the stored data of Cook. One would be motivated to do so because it allows spectators to see the progression of the match in more detail thereby increasing their enjoyment and understanding of the match.

Regarding claims 30 and 31, Cook teaches the display of text corresponding to the weapon used (punch) and the location of hit (chin, below belt, etc). Text and icons are functional equivalents and considered by the examiner to not be patentably distinguishing and a mater of design choice.

Regarding claim 32, Cook teaches a public score board, figure 18.

Regarding claim 33, the first display device sending a signal to a second display device that displays the same information, Cook: figures 3 and 18 and the detailed description thereof.

Regarding claim 35, see discussion of claim 30 and 31.

Regarding claim 36, Cook displays the word “punch” as a alphabetic representation of the weapon used, Figure 18.

Regarding claim 37, the system of the prior art is certainly "capable" of displaying all the claimed limitations, Cook figure 18, 6:25-45.

Regarding claim 38, wherein the first indicating device includes an audio alarm (DeRose 3:18-50).

Regarding claim 39, see rejection of claim 1.

Regarding claim 40, Cook teaches separating the articles in separate regions (5:10-40).

Regarding claim 41, Cook and DeRose teach mounting sensors on gloves.

Regarding claim 42, Cook figure 18 teaches displaying the time remaining and score and further see rejection of claim 29.

Claims 20, 26 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeRose/Balzano/Cook as applied to claim 13 above and further in view of Aldridge (US Patent Pub. 2002/0037759).

The prior art meets the claimed limitations as applied above to claim 13, however they fail to explicitly teach an input device for alternating input from the first receiver and providing various manual scoring functions. Aldridge teaches a control input device for manually scoring the fight (figure 14c [0068, 0069 and 0071]) wherein a third party may manually control the progression of the game such as scoring, correcting errors and timing. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to include the manual scoring device of Aldridge with the boxing apparatus of the prior art in order to allow for correction of errors, such a modification would allow fights/matches to be more accurately recorded.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 6, 8-13, 17-20, 24, 26 and 28-42 have been considered but are moot in view of the new ground(s) of rejection.

Applicant alleges that Balzano is not analogous art. The examiner respectfully disagrees. Balzano, like the other references teaches methods and devices that mount electronics into clothing and is therefore considered analogous art.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAT T. NGUYEN whose telephone number is (571)272-2178. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dat Nguyen

/John M Hotaling II/
Primary Examiner, Art Unit 3714